Application No.: 09/086,821   5   Docket No.: 324212005500

REMARKS

Claims 1, 6-16, 20 and 25-32 were pending in the present application. No claims are withdrawn from consideration. By virtue of this response, claims 20, and 26-33 are cancelled, claims 1, 15, and 25 are amended, and claim new claims 34-37 are added. Accordingly, claims 1, 6-16, 25, and 34-37 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

Rejections under 35 USC § 102

Claims 1, 6-16, 20, 26, and 31 are rejected under 35 USC § 102(e) as allegedly being anticipated by Hu U.S. Patent No. 6,173,322 [hereinafter Hu].

Claim 1

The rejection asserts that Hu states that a "network request manager" and a "content server" can both be hosted on a single computer. The rejection also states that Hu discloses that "Network request manager 102 responds to the client request with either the results of servicing the request, or with information which will allow client 104 to contact directly (ie., "redirection information")" (6:18-23, quotations in original.)

Applicants have amended claim 1 to further distinguish Hu. Amended claim 1 now recites that a web request is received at a first web server, where the first web server was assigned to service the request by an interceptor operable to allocate web requests among a plurality of web servers. Also, claim 1 now explicates that _after_ the request is received at the first web server, it is determined whether a predetermined condition exists at the first web server; and if the predetermined condition exists, then the first web server redirects the web page request to another web server of the plurality.

Applicants respectfully submit that Hu does not disclose or suggest a method, wherein after a web page request is assigned to a web server for servicing that this web page request may be

sf-2168704

redirected to another web server for servicing upon determining the existence of a predetermined condition.

Claim 15

Amended claim 15 now also recites "an interceptor for receiving web page requests and redirecting each request to one of a plurality of web servers." Applicants respectfully submit that Hu does not teach or suggest such an interceptor as well as a first web server that is "operable to redirect, from the first web server to a second web server of the plurality, a web page request made of the first web server, if a predetermined condition is determined to exist at the first web server." Therefore, Applicants respectfully submit that claim 15 is novel and non-obvious over Hu.

Claim 37

New claim 37 is a Beauregard type claim according to the method of claim 1, and Applicants respectfully submit that claim 34 is allowable over Hu for the reasons described with respect to claim 1.

Claims 12-13

Applicants respectfully submit that claims 12-13 are to further aspects of redirection that are not disclosed in Hu. The present rejection of these claims identifies (12:10-42) and (13:1-21) as supporting these teachings. However, these sections of Hu do not teach or suggest a step of redirecting a request "only if a request is for a web page that does not have state." In particular, Applicant respectfully submits that Hu determines whether a web page is cached or not, and if the page is cached, then Hu causes its network request manager to act as a proxy for the request, rather than redirect a client to "allow[ing] the client 104 to contact directly ... the content server." (6:18-23.) Thus, caching in Hu does not suggest redirecting as recited in claims 12-13, because state in claims 12-13 refers to whether a user has established or may establish a stateful session with the

sf-2168704

Application No.: 09/086,821   7   Docket No.: 324212005500

first web server (e.g., as disclosed at page 23 of the specification, a concept of "state" includes an e-commerce website where a shopping cart could be used to identify items to be purchased.)

<u>Claims 9-11</u>

Each of claims 9-11 depends from claim 1, and Applicants respectfully submit that each such claim is allowable at least by virtue of that dependency.

Rejections under 35 USC § 103

Claims 27, 28, 29, 30 and 32 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Hu in View of Cieslak et al, U.S. Patent No. 5,475,813 [hereinafter Cieslak]

Claims 26-33 are cancelled. Applicants have cancelled these claims in favor of pursuing independent claims 1, 15, and new claims 34-37, but by such cancellation are not conceding the obviousness of these claims over Hu in view of Cieslak.

Application No.: 09/086,821   **OCT 1 2 2006**   Docket No.: 324212005500
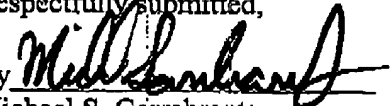
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 324212005500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 12, 2006

Respectfully submitted,

By _[signature]_
Michael S. Garrabrants
   Registration No.: 51,230
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
(415) 268-6824

sf-2168704